

REMARKS

Claims 1-10, 16-22 and 24-25 are pending. Per this Response, claims 1-10, 16-22 and 24 are amended and claims 11-15 and 23 are canceled. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims Objection

Claims 2-5, 7-10, 12-15, 17-20, 21, 23 and 24 stand rejected due to informalities with respect to the preamble. In response, Applicants have amended these claims to address this issue. Accordingly, withdrawal of the above rejections are respectfully requested.

112 2nd Paragraph

Claim 6-10, 16-20, 22 and 24 stand rejected under 35 U.S.C. § 112, 2nd Paragraph as being indefinite. Specifically, with respect to claim 6 it is stated that it is not clear whether claim 6 refers to an apparatus or a process. Regarding claim 16 it is stated that this claim is directed to a computer readable medium but is not clear whether it is referring to an apparatus or a process.

With regard to claim 6, Applicants have amended claim 6 and its dependent claims to clarify its reference to an apparatus. Applicants note that the preamble and the body of the claim refers to an apparatus.

Regarding claim 16, the claim clearly refers to a standard Beauregard claim in which a computer readable medium is recited as a storage medium on which computer executable instructions are stored which execute particular

method steps recited in the claim. Applicants respectfully submit that claim 16 is statutory and proper.

In view of the above, Applicants respectfully submit that claims 6-10, 16-20, 22 and 24 satisfies the requirements under 35 U.S.C. § 112, 2nd Paragraph. Accordingly, withdraw of the rejections are respectfully requested.

101 Rejection

Claims 6-20 and 22-24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

With respect to claims 11-15 and 23 directed to “a program”, Applicants have cancelled these claims since a program *per se* is non-statutory subject matter.

With regard to claim 6 and its dependent claims, these claims refer to an apparatus which is clearly statutory subject matter. These claims are not directed to a computer program as suggested by the Examiner.

Regarding claims 16-20 and 24, the Examiner provides rationale suggesting that these claims are directed to non-functional descriptive material stored in a computer readable medium which would be non-statutory subject matter. Applicants respectfully submit that the Examiner does not fully appreciate the difference between non-functional descriptive material and functional descriptive material. Non-functional descriptive material refers to data items that lacks functionality and are not interrelated and which are not capable of causing functional change in the computer. Such types of data

items when stored in a computer readable medium do not make them statutory.

However, functional descriptive material once stored in a computer readable medium and executable by a computer are statutory. Applicants respectfully submit that claim 16 clearly defines the functional descriptive material as each and every element within the claim is interrelated and causes a change in the execution of the computer instructions. This type of claim has been well established as being directed to statutory subject matter.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 101 has been addressed by the cancellation and amendments of the respective claims and the arguments above. Accordingly, withdraw of the rejection is respectfully requested.

Prior Art Rejection

Claims 1-25 are rejected under 35 U.S.C. § 103(a) in view of Kahn et al. (U.S. Patent Publication 2004/0004663) in view of Asami (U.S. Patent No. 6,882,350). This rejection is respectfully traversed.

Claims 1, 6 and 16 as amended, recite, *inter alia*, obtaining, from a storage device and a map database, additional data associated with the classification made for the image data set, the additional data including third party images, spot data that provides descriptions of areas of interest associated with the photography location and audio data associated with the photography location.

In Applicants' claimed invention the generation of an album directed to a vacation or specific theme is not limited to the data captured by a user. The

album is generated using additional data as defined above. Applicants respectfully submit that Kahn and Asami fail to teach this feature.

Kahn teaches that changing information pertaining to latitude and longitude, ID information and a timestamp. See paragraph 98. This data does not teach the specific features of Applicants' claimed additional information. Accordingly, Kahn fails to teach Applicants' claimed additional information.

Further, Asami fails to remedy Kahn's deficiencies. Therefore, the combination of Kahn and Asami's teachings fails to teach or suggest each and every feature of Applicants' independent claims 1, 6 and 16 as required. Accordingly, reconsideration and withdraw of the rejection is respectfully requested.

Conclusion

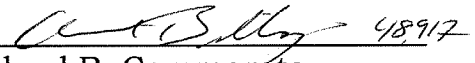

For at least the reasons above, it is respectfully submitted that claims 1-10, 16-22, 24 and 25 are distinguished from the cited art. Full reconsideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: August 1, 2008

Respectfully submitted,

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